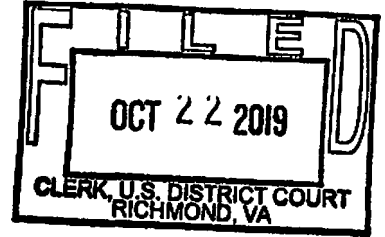


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DAVID P. SHURLAND,

Plaintiff,

v.

Civil Action No. 3:18cv770

AIR FORCE BOARD FOR
CORRECTION OF MILITARY
RECORDS,

Defendant.

ORDER

By Order entered herein on August 2, 2019, the DEFENDANT'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT (ECF Nos. 9 and 10) were referred to the Honorable David J. Novak for report and recommendation.

Having reviewed the REPORT AND RECOMMENDATION (ECF No. 17) entered herein on September 24, 2019, the plaintiff's pleading entitled "GRANDSTAND IN OPPOSITION TO HONORABLE JUDGE DAVID J. NOVAK'S REPORT AND RECOMMENDATION (ECF No. 18), the defendant's response thereto (ECF No. 19), the MEMORANDUM IN SUPPORT OF PLAINTIFF'S ARGUMENT IN OBJECTIONS TO THE REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE NOVAK (ECF No. 20), and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) The plaintiff's objections are overruled as frivolous, delusional and without legal merit; and

(2) The REPORT AND RECOMMENDATION (ECF No. 17) is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION; and

(3) The DEFENDANT'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT (ECF Nos. 9 and 10) is denied in part and granted in part insofar as the defendant's Motion to Dismiss (ECF No. 9) is denied and the Defendant's Motion for Summary Judgment (ECF No. 10) is granted and judgment is entered in favor of the Defendant; and

(4) This action is dismissed with prejudice.

It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to the plaintiff.

It is so ORDERED.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: October 22, 2019